No. 1028-1042—116.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

Emigration.

RESOLUTION.

Dated Calcutta, the 31st January 1907.

THE Government of India have received from His Majesty's Secretary of State for India a copy of a bill passed by the Parliament of Cape Colony to repeal the Immigration Act of 1902, extracts from which were published in the *Gazette of India* with Resolution No. 4-2—4, dated the 20th February 1903. The more important provisions of this law which is entitled "The Immigration Act, 1906" are noted below for general information.

2. The most important change effected is that, whereas under the Act of 1902, Asiatics domiciled in South Africa were not included in the category of "prohibited immigrants," the present Bill exempts those persons only who are born in that country. Asiatics lawfully resident in the Colony, are permitted, however, to be absent temporarily under permits issued under Regulations approved by the Governor.

3. The Governor General in Council requests all Local Governments to take such measures as seem to them best calculated to make the provisions of the Bill generally known to natives of India, more especially in places from which emigration to Cape Colony is believed to be most common. Intending emigrants should be warned at the ports of embarkation of the difficulties they may encounter in proceeding to this Colony.

"2. In the construction of this Act the following expressions shall, unless the contrary intention appears, bear the meanings hereby respectively assigned to them, that is to say:—

'Ship' shall include any ship, vessel or boat or description thereof used in navigation.

'Master' shall include any person other than a pilot in charge or command of any ship.

'Immigrant' shall mean and include any person who arriving from without this Colony enters or claims to enter by land or sea.

"3. Subject to the provisions of this Act, it shall be unlawful for any immigrant who is or appears to be of any one of the following classes to enter this Colony by land or sea; and every such immigrant shall be termed a 'prohibited immigrant':—

(*a*) Any person who, when required so to do so by any duly authorized officer shall be unable through deficient education to himself write out and sign in the characters of any European language an application to the satisfaction of the Minister; provided that for the purposes of this sub-section Yiddish shall be accepted as a European language.

(*b*) Any person who is not in possession of visible means of support or is likely to become a public charge.

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"4. The provisions of the preceding section shall not apply to any immigrant who is of any of the following classes:—

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(*e*) The wife and any child under the age of 16 years of any person who is permitted to immigrate into the Colony under the provisions of this Act.

(*f*) (*a*) Persons born in South Africa.

(*b*) Persons of European birth domiciled in South Africa * *

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(*g*) Any Asiatic who having, when lawfully resident within the Colony, obtained from the Minister a permit issued under such Regulations as shall be proclaimed thereof by the Governor, authorising him to temporarily absent himself from the Colony returns in accordance with the terms and conditions of such permit.

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"5. Any person found to have immigrated at any time into this Colony by land or sea in violation of the provisions of this Act or of 'The Immigration Act, 1902,' shall be liable to a penalty of £50 or in the alternative to three months' imprisonment with or without hard

labour, and to be removed at any time from within the limits of the Colony and to be detained in such custody as may by regulation be prescribed pending such removal.

"6. Any master of any ship who knowingly, directly or indirectly allows any immigrant to leave his ship, whereby such immigrant contravenes any provisions of the Act, and the owners of any such ship which any such immigrant so leaves shall be jointly and severally liable to a penalty of £100, and to a further penalty of £20 for each such immigrant landed in excess of the number of five. Such ship may be refused a clearance till such penalty has been paid, and may in default of payment by or on behalf of the master or owners and by order of the Supreme Court be attached and declared executable in satisfaction of any writ issued for the recovery of any such penalty, provided that in lieu of granting such order, it shall be lawful for the Court to accept such security for the payment of such penalty as may appear to be adequate.

"7. Any person aiding or assisting any person in any manner whatsoever in the contravention of any provision of this Act, or of the regulations framed thereunder or making any false declaration in order to obtain for himself or another person any certificate or other recommendation for the purposes of this Act, or entering into any contract for the purposes of any evasion of the provisions of this Act, shall be liable to a fine not exceeding £100, or to imprisonment with or without hard labour for a period not exceeding six months.

"8. It shall be lawful for the Governor from time to time by Proclamation to make regulations in order to prevent any immigration into this Colony contrary to and in violation of the provisions of this Act, and to appoint officers within and beyond the limits of the Colony to carry out such regulations, and to provide for the removal from within the territorial limits of the Colony of any persons who are, under and by virtue of the provisions of this Act, prohibited from immigrating thereinto, and settling therein, and to provide for the temporary custody, control and accommodation of such persons pending their removal as aforesaid, and to provide for the importation, reception, accommodation, maintenance, registration, distribution and contractual engagements of persons immigrating under any scheme approved by the Governor * * * * * ; and to provide for the issue of certificates and other documents under such regulations and the payment of fees therefor, and to provide for the passage of prohibited immigrants through the Colony or for their temporary residence therein and to provide for and prescribe the deposits of security for their journey through the Colony or leaving it within the period allowed to them, and generally in furtherance of the objects and intents of this Act.

"9. It shall be lawful for the Governor to prescribe penalties for the contravention of any regulation made by him under this Act, provided that no penalty in respect of any one contravention shall exceed a fine of £100, or in default of payment thereof, imprisonment with or without hard labour for a period exceeding 12 months, or to imprisonment with or without hard labour and without the option of a fine for a period exceeding 12 months.

"10. This Act may be cited as 'The Immigration Act, 1906.'"

ORDERED that a copy of the above Resolution be forwarded, for information and guidance, to the Local Governments and Administrations noted in the margin and to the Home and Foreign Departments for information.

The Secretary to the Government of Madras.
" " " " Bombay.
" " " " Bengal.
" " " " the United Provinces.
" " " " the Punjab.
" " " " Burma.
" " " " Eastern Bengal and Assam.
" Hon'ble the Chief Commissioner of the Central Provinces.
" Chief Commissioner of Coorg.
" " " of Ajmer-Merwara.
" Hon'ble the Chief Commissioner of the North-West Frontier Province.
" " " Agent to the Governor-General in Baluchistan.

Ordered also, that a copy be published in the Supplement to the *Gazette of India* for general information.

W. L. HARVEY,
Secretary to the Government of India.